

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,
AMENDING CHAPTER 179 “TREE AND LANDSCAPE MAINTENANCE” TO AMEND
§179-1, “DEFINITIONS”, §179-2, “PURPOSE; APPLICABILITY”, AND §179-5 “TREE
AND LANDSCAPE BOARD” TO EXPAND OR CLARIFY CERTAIN DEFINITIONS,
TO CLARIFY THAT THE DESIGNEES OF THE CHAIRPERSON OF THE
COMMITTEE FOR A BETTER ENVIRONMENT, THE PLANNING, COMMUNITY
AND ECONOMIC DEVELOPMENT DIRECTOR AND THE PUBLIC WORKS
DIRECTOR MAY ACT IN THEIR PLACE AS VOTING MEMBERS OF THE TREE
AND LANDSCAPE BOARD, AND TO SET THE QUORUM OF THE BOARD AS A
MAJORITY OF THE APPOINTED MEMBERS.

WHEREAS, pursuant to Md. Code Ann., Art. 23A, §2, the City of College Park, Maryland (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the residents of the municipality; and

WHEREAS, the Council has adopted Chapter 179, “Tree and Landscape Maintenance” of the City Code to make provision for the protection of trees, shrubs and ground covers on public property and to encourage the protection of healthy trees, shrubs and ground covers on private property; and

WHEREAS, the Council has established a Tree and Landscape Board (“Board”) to provide assistance and recommendations that support the purposes of Chapter 179; and

WHEREAS, pursuant to §179-5, the Board has proposed changes to Chapter 179; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to adopt the changes proposed by the Board.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland that Chapter 179 “Tree and Landscape Maintenance”, §179-1, “Definitions” be and it is hereby repealed, re-enacted and amended to read as follows:

CAPS
[Brackets]
Asterisks * * *

: Indicate matter added to existing law.
: Indicate matter deleted from law.
: Indicate matter remaining unchanged in existing law but not set forth in Ordinance

§179-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

INSTALLATION - The proper planting of trees, shrubs and ground covers.

LANDSCAPE - Trees, shrub, ~~and~~ ground covers AND OTHER MATERIALS presently or hereafter planted within the City limits.

MAINTENANCE - All necessary operations, including but not limited to pruning, mowing, spraying, watering, fertilizing and ~~bracing~~ STAKING.

PRIVATE LAND - All land exclusive of public ways and public areas.

PUBLIC AREA - All public ways, parks and other lands owned or leased by the City.

PUBLIC WAY - All public streets, roads, boulevards, alleys and sidewalks.

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park Maryland that Chapter 179 “Tree and Landscape Maintenance”, §175-2, “Purpose; applicability” be and it is hereby repealed, re-enacted and amended to read as follows:

§179-2. Purpose; applicability.

A. - B. * * * *

C. The organizational provisions of this chapter create positions and a Board whose purposes are to:

(1) - (2) * * * *

(3) Protect trees, shrubs, ~~and~~ ground covers AND OTHER MATERIALS located on public property from undesirable or unsafe installation, removal and maintenance practices TO INSURE THAT NO LIABILITY OCCURS FROM SAID PRACTICES.

(4) - (6) * * * *

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park Maryland that Chapter 179 “Tree and Landscape Maintenance”, §179-5, “Tree and Landscape Board” be and it is hereby repealed, re-enacted and amended to read as follows:

§179-5 Tree and Landscape Board.

A. Board membership and operation.

(1) By this chapter, the Tree and Landscape Board of the City of College Park, hereafter referred to as the "Board," is established.

(2) The Board shall have the following nine voting members: five citizens of the City appointed by the Mayor and Council of the City of College Park, the Chairperson of the Committee for a Better Environment OR DESIGNEE, the City Forester, the Planning, Community and Economic Development Director OR DESIGNEE and the Public Works Director OR DESIGNEE.

(3) The five Board members appointed by the Mayor and Council shall serve staggered, two-year terms, except in the year the Board is established. In the year the Board is established, three appointments shall be for one year and two for two years. Thereafter, all appointments shall be made for two-year terms.

(4) Members of the Board shall receive reimbursement for reasonable expenses in accordance with City procedures. Further, a reasonable sum of money shall be allocated for clerical support for the Board.

(5) The Board shall choose its own officers, adopt its own rules of procedure, subject to approval of the Mayor and Council, and keep an official record of its meetings and proceedings. A majority of its APPOINTED members shall constitute a quorum for the purpose of transacting business.

B. * * * *

Section 4. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of

the City Clerk and shall publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for _____ P.M. on the _____ day of _____, 2013, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. As soon as practicable after adoption, the City Clerk shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park and available at the City's offices. This Ordinance shall become effective on _____, 2013 provided that a fair summary of this Ordinance is published at least once prior to the date of passage and once as soon as practical after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____ 2013.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____ 2013.

EFFECTIVE the _____ day of _____, 2013.

ATTEST:

**THE CITY OF COLLEGE PARK,
MARYLAND**

By: _____
Janeen S. Miller, CMC, City Clerk

By: _____
Andrew M. Fellows, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney